

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

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MARKEL AMERICAN INSURANCE	)	
COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 1:13-CV-196 TSE/IDD
	)	
GREGORY SCOTT HUNTER,	)	
	)	
Defendant.	)	
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**DEFENDANT’S OPPOSITION TO  
PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT FROM THE CLERK**

COMES NOW the Defendant, Gregory Scott Hunter, through counsel, Daniel Ward and Ward & Ward, P.L.L.C., and states the following in Opposition to Plaintiff’s Motion for Entry of Default from the Clerk:

1. On April 12, 2013, Plaintiff moved for Default in this action as a result of a directive from the Clerk’s Office, as the time for answer had passed on April 5, 2013.
2. Mr. Hunter, through his Maryland counsel, had only retained Virginia counsel on April 12, 2013.
3. Mr. Hunter’s Maryland counsel had communicated with Plaintiff’s counsel via electronic mail, and Plaintiff’s counsel had agreed to a seven-day extension for answering on April 10, 2013 to April 17, 2013. (Ex. 1)

4. That the underlying facts in this action are that Plaintiff alleges Mr. Hunter was intoxicated while operating his boat, and thus Plaintiff is not bound to honor its contract of insurance with Mr. Hunter. The accident occurred in the State of Maryland, which is also where every witness to the underlying facts is located.

5. A criminal action remains pending at this time in the matter of State of Maryland v. Gregory Scott Hunter, in the District Court of Maryland for Anne Arundel County, Case Nos.: 5Y66192306, 0Y66150000, 6Y66192307. A criminal trial is currently scheduled to occur on April 19, 2013 at 1:30 p.m. in the District Court of Maryland for Anne Arundel County. It is anticipated that the trial will be briefly postponed as Mr. Hunter has recently retained new criminal counsel in that action.

6. The case at bar, brought before completion of the underlying criminal charge, presents a clear attempt to have the Defendant provide information, denials and admissions that directly violate his rights under the Fifth Amendment.

7. In order to ensure Defendant is afforded his constitutional right against self-incrimination, and filed contemporaneously herewith, the Defendant has moved this Court for an Order Staying this proceeding pending resolution of the matter of State of Maryland v. Gregory Scott Hunter, in the District Court of Maryland for Anne Arundel County, Case Nos.: 5Y66192306, 0Y66150000, 6Y66192307.

**WHEREFORE**, Defendant Gregory Scott Hunter respectfully requests that this Honorable Court **DENY** Plaintiff Markel American Insurance Company's Motion for Entry of Default from the Clerk.

Respectfully submitted,

April 15, 2012

/S/ Daniel S. Ward

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*pro hac vice admission pending*

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15th day of April 2012, I electronically filed the foregoing with the Court of the Court using the CM/ECF system, which will then send, as appropriate, a notification of such filing to the following:

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/S/ Daniel S. Ward  
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